

1  
2  
3  
4  
5  
6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 JOSEPH M. VAN BAAREN, )

9 Plaintiff, )

10 vs. )

11 STATE OF NEVADA et al., )

12 Defendants. )

2:13-cv-01964-RCJ-PAL

13 **ORDER**

14 This case arises under the Americans with Disabilities Act. The Court denied a previous  
15 motion to dismiss for lack of subject matter jurisdiction. The State of Nevada, Office of the  
16 Military, Office of the Adjutant General has now moved to dismiss, arguing that it is immune  
17 under the Eleventh Amendment and that the statute of limitations has run. Despite having been  
18 granted several extensions of time to respond, the latest extending time until May 9, 2014,  
19 Plaintiff has not timely responded. He has therefore consented to the Court granting the motion.  
20 *See* Local R. 7-2(d).

21 Next, Plaintiff has moved to amend. Despite having been granted several extensions of  
22 time to respond, the latest extending time until May 9, 2014, no Defendant has timely responded.  
23 They have therefore consented to the Court granting the motion. *See id.*

24 ///

25 ///

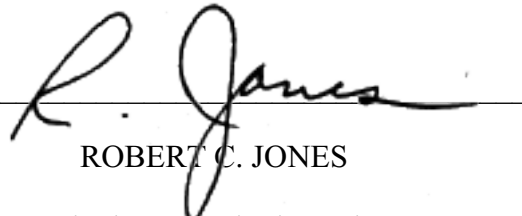
**CONCLUSION**

IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 22) is GRANTED. The State of Nevada, Office of the Military, Office of the Adjutant General is DISMISSED as a Defendant.

IT IS FURTHER ORDERED that the Motion to Amend (ECF No. 23) is GRANTED IN PART. Plaintiff may file a new version of the proposed first amended complaint that omits the State of Nevada, Office of the Military, Office of the Adjutant General as a Defendant.

IT IS SO ORDERED.

Dated this 28th day of May, 2014.

  
ROBERT C. JONES  
United States District Judge